

## REMARKS

The Office Action continued to assert a restriction requirement and rejected the claims under 35 U.S.C. § 102. Applicants cancelled claim 31 and amended claim 24. Claims 1-30 remain. Applicants request that the Examiner reconsider and withdraw the restriction requirement and rejection. A Request for Continued Examination and an Information Disclosure Statement accompany this Reply as separate papers.

### **Election/Restriction**

The Office Action continued to assert the restriction requirement<sup>1</sup>. Applicants traverse the continued assertion of the restriction requirement. By modifying claims 22 and 23 (originally drawn to the non-elected Invention II - “apparatus for making”) to depend from claims drawn to the elected Invention I, these claims are no longer drawn to an apparatus for making. Claims 22 and 23 are now method claims. Applicants request that the Examiner reconsider and withdraw the restriction requirement.

### **Claim Rejections - 35 U.S.C. § 102**

The Office Action continued to reject claims 1-4 and 7-21 as being anticipated by United States Patent Number 6,536,773 to Datta (“Datta”). Applicants previously modified claim 1 to recite that the bristle arrangement “comprises essentially of” bristles and a joint securing the bristles together and claim 12 to recite that the joining step involves “essentially just” the bristles.

In the Response to Arguments section of this Office Action, the Examiner states that the essentially language does not overcome Datta because “the presence of the rails do [sic] not materially

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<sup>1</sup> Although the Office Action describes the restriction as made under M.P.E.P. § 806.05(f), Applicants presume the Examiner intended for the restriction to be made under M.P.E.P. § 806.05(e) - between the process of making and the apparatus for its practice.

affect the basic and novel characteristics of the claimed invention.” Applicants respectfully disagree. Applicants direct the Examiner to paragraph 8 of the specification, which states one object of the present invention is to a brush seal “made from fewer components.” For at least this reason the rejection was improper and must be withdrawn.

The Office Action continued to reject claims 1-10, 12-20 and 24-31 as being anticipated by United States Patent Number 5,106,104 to Atkinson *et al.* (“Atkinson”). With respect to independent claims 1 and 12, Applicants previously modified the claims to recite that the claimed bristle arrangement is “for subsequent use in a brush seal.”

In the Response to Arguments section of this Office Action, the Examiner states that Applicants are arguing intended use. Applicants respectfully disagree. Applicants intend that language to define when, in the build-up, the bristle arrangement includes those features. Specifically, the bristle arrangement includes those features before assembly of the brush seal. While Atkinson may show a weld joint, the weld joint occurs during assembly of the brush seal. Atkinson fails to disclose or to suggest the presence of a weld joint on the bristle arrangement before assembly of the brush seal.

With respect to independent claim 24, Applicants cancelled claim 31 and added such features to claim 24. Claim 24 now recites, *inter alia*, that the plates and bristles are discrete and the creating step forms a stack of the discrete plates and bristles. Atkinson fails to disclose or to suggest such a feature. Atkinson describes discrete single stage brush seals (60, 70, 80, 90) placed in succession to achieve a desired pressure drop. Atkinson lacks any discussion of discrete plates and bristle arrangements. Applicants request that the Examiner reconsider and withdraw the rejection.

## Conclusion

In light of the foregoing, Applicants submit that the claims are in condition for allowance.

Applicants request that the Examiner reconsider and withdraw the restriction requirement and rejections.

Applicant solicits the allowance of claims 1-31 at an early date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brian Hamilla", with a stylized flourish at the end.

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